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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): Fulcomer et al.
Case: 5-3
Serial No.: 09/240,932
Filing Date: January 29, 1999
Group: 2663
Examiner: Chi Ho A. Lee

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Signature: *[Signature]* Date: June 17, 2003

Title: Application Module Interface for Bidirectional Signaling and Bearer Channels in a Private Branch Exchange (PBX) Environment

APPEAL BRIEF

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal the final rejection dated January 13, 2003, of claims 1 through 16 of the above-identified patent application.

REAL PARTY IN INTEREST

The present application was initially assigned to Lucent Technologies Inc., as evidenced by an assignment recorded on April 5, 1999 in the United States Patent and Trademark Office at Reel 9889, Frame 0259. The application was thereafter assigned to Avaya Technology Corp., as evidenced by an assignment recorded on March 21, 2002 in the United States Patent and Trademark Office at Reel 012707, Frame 0562. The assignee, Avaya Technology Corp., is the real party in interest.

RELATED APPEALS AND INTERFERENCES

There are no related Appeals or Interferences.

06/20/2003 AWONDAF1 00000062 501602 09240932

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STATUS OF CLAIMS

Claims 1 through 16 are pending in the above-identified patent
5 application. Claims 1-16 remain rejected under 35 U.S.C. § 102(e) as being anticipated
by Moteki et al. (United States Patent Number 5,960,005).

STATUS OF AMENDMENTS

There have been no amendments filed subsequent to the final rejection.

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SUMMARY OF INVENTION

The present invention is directed to an application module interface that
allows one or more modules to access voice or data channels in a private branch
exchange (PBX) environment that contains one or more B channels (bearer channels) for
15 transmitting voice or data signals, and one or more D channels (signaling channel) for
transmitting data. The application module interface provides a control channel that
allows a module to obtain and vary the status and configuration of a telephone terminal.
The application module interface provides access to both directions of two B channels
(B1 and B2) and one D channel.

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ISSUES PRESENTED FOR REVIEW

- i. Whether claims 1-16 are properly rejected under 35 U.S.C. § 102(e) as
being anticipated by Moteki et al.

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GROUPING OF CLAIMS

The rejected claims stand and fall together.

ARGUMENT

Claims 1-16 remain rejected under 35 U.S.C. § 102(e) as being anticipated
30 by Moteki et al.

Regarding Claim 1, the Examiner asserts Moteki teaches “the Mixing/Splitting Unit 21 (a receiver) for receiving signals from the 23 using the format shown in Fig. 4, wherein the frame format provides a separate channel for each direction of at least one b channel (See col. 11, lines 1-15).”

Applicants note that Moteki teaches an interface structure of a coaxial cable 150 that is frequency-divided into channels for communication in upward and downward directions. A channel structure is such that the communication in the upward direction is provided with B, C, D, M, ACK-C, and ACK-D channels and the communication in the downward direction is provided with B, C, D, and M channels.

Contrary to the Examiner’s assertion in the Advisory Action, as illustrated in Figure 4, the “Up” channel structure is separate from the “Down” channel structure and are, in fact, transmitted at different frequencies. This can be discerned in the figures illustrating the embodiments taught for interfacing to a PBX. In Figures 40, 46, 51, and 53, a Transmission Frame Forming Unit 213 creates the *transmission* frames and a Received-Frame Dismantling Unit dismantles the *received* frames. The frames for each direction are illustrated in Figures 42A and 42B, 45A and 45B, 52A and 52B, and 55A and 55B.

Independent claims 1, 6, 13, and 16 of the present application require that “each frame in said frame format provides a separate channel for each direction of at least one” bearer (B) channel or signaling (D) channel (emphasis added) and independent claim 9 requires that “each frame in said frame format provides a separate channel for *each direction* of at least one bearer (B) channel and at least one signaling (D) channel” (emphasis added).

Conclusion

Thus, Moteki et al. do not disclose or suggest that “each frame in said frame format provides a separate channel for each direction of at least one” bearer (B) channel or signaling (D) channel, as required by independent claims 1, 6, 13, and 16, and do not disclose or suggest that “each frame in said frame format provides a separate channel for each direction of at least one bearer (B) channel and at least one signaling (D) channel,” as required by independent claim 9.

The rejections of the independent claims under section §102 in view of Moteki are therefore believed to be improper and should be withdrawn.

The rejected dependent claims are believed allowable for at least the reasons identified above with respect to the independent claims.

5 The attention of the Examiner and the Appeal Board to this matter is appreciated.

Respectfully,



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Date: June 17, 2003

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APPENDIX

We claim:

- 5 1. An interface for accessing digital channels in a private branch exchange (PBX) environment, comprising:
- a connector for connecting said interface to an application module; and
- a receiver for receiving signals from said connector, said receiver using a frame format, wherein each frame in said frame format provides a separate channel for
- 10 each direction of at least one bearer (B) channel.
2. The interface of claim 1, wherein said frame format provides at least four channels including two bearer channels in both directions.
- 15 3. The interface of claim 1, wherein said application module permits a computer device to access said digital channels.
4. The interface of claim 1, wherein said application module permits an analog device to access said digital channels.
- 20 5. The interface of claim 1, further comprising a connector for connecting said interface to a telephone terminal.
6. An interface for accessing digital channels in a private branch exchange
- 25 (PBX) environment, comprising:
- a connector for connecting said interface to an application module; and
- a receiver for receiving signals from said connector, said receiver using a frame format, wherein each frame in said frame format provides a separate channel for
- each direction of at least one signaling (D) channel.

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7. The interface of claim 6, wherein said application module permits a computer device to access said digital channels.

8. The interface of claim 6, further comprising a connector for connecting
5 said interface to a telephone terminal.

9. An interface for accessing digital channels in a private branch exchange (PBX) environment, comprising:

10 a connector for connecting said interface to an application module; and
a receiver for receiving signals from said connector, said receiver using a frame format, wherein each frame in said frame format provides a separate channel for each direction of at least one bearer (B) channel and at least one signaling channel (D).

10. The interface of claim 9, wherein said frame format provides at least four
15 channels including two bearer channels in both directions.

11. The interface of claim 9, wherein said application module permits an analog device to access said digital channels.

20 12. The interface of claim 9, further comprising a connector for connecting said interface to a telephone terminal.

13. A method for accessing digital channels in a private branch exchange (PBX) environment, comprising:

25 connecting an interface to an application module; and
receiving signals from said connector using a frame format, wherein each frame in said frame format provides a channel for each direction of at least one bearer (B) channel.

30 14. The method of claim 13, wherein said frame format provides at least four channels including two bearer channels in both directions.

15. The method of claim 13, wherein said application module permits an analog device to access said digital channels.

5 16. A method for accessing channels in a private branch exchange (PBX) environment, comprising:

connecting an interface to an application module; and

receiving signals from said connector using a frame format, wherein each frame in said frame format provides a separate channel for each direction of at least one
10 signaling channel (D).



Fulcomer 5-3

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Signature Kevin M. Mason Date: June 17, 2003

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Sir:

Submitted herewith are the following documents relating to the above-identified patent application:

- (1) Appeal Brief (original and two copies); and
- (2) Copy of Notice of Appeal, filed on April 14, 2003, with copy of stamped return postcard indicating receipt of Notice by PTO on April 21, 2003.

There is an additional fee of \$320 due in conjunction with this submission under 37 CFR §1.17(c). Please charge **Deposit Account No. 50-1602** the amount of \$320, to cover this fee. In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **Deposit Account No. 50-1602** as required to correct the error. A duplicate copy of this letter and two copies of the Appeal Brief are enclosed.

Respectfully,

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Date: June 17, 2003

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PTO/SB/31 (02-01)

Approved for use through 10/31/2002. OMB 0651-0031
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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) Fulcomer 5-3	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Assistant Commissioner for Patents, Washington D.C. 20231" on <u>April 14, 2003</u> . Signature <u>Linda M. Shackleton</u> Typed or printed name <u>Linda M. Shackleton</u>		In re Application of <u>Fulcomer et al.</u>	
		Application Number <u>09/240,932</u>	Filed <u>January 29, 1999</u>
		For Application Module Interface for Bidirectional Signaling and Bearer Channels in a Private Branch Exchange (PBX) Environment	
		Group Art Unit <u>2663</u>	Examiner <u>Chi Ho A. Lee</u>
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.			
The fee for this Notice of Appeal is (37 CFR 1.17(b))		\$ <u>320.00</u>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:		RECEIVED JUN 23 2003 Technology Center 2600	
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.			
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>50-1602</u> . I have enclosed a duplicate copy of this sheet.			
<input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the			
<input type="checkbox"/> applicant/inventor.		<u>Kevin M. Mason</u> Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)			
<input checked="" type="checkbox"/> attorney or agent of record.		<u>Kevin M. Mason</u> Typed or printed name	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) _____		<u>April 14, 2003</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input type="checkbox"/> *Total of _____ forms are submitted.			

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Change of Correspondence Address

Case Name: Fulcomer 5-3
Serial No.: 09/240,932

1250-245

April 14, 2003 KMM

